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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,306	08/05/2003	Chris Boyer	222151	7895

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EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/634,306	Applicant(s) BOYER ET AL.	
	Examiner Mark Spisich	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 46-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 32, 33 and 40-45 is/are rejected.
- 7) ☒ Claim(s) 28-31 and 34-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the invention of Group I in the reply filed on 22 August 2006 is acknowledged. The traversal is on the ground(s) that there is no undo serious burden. This is not found persuasive because the "serious burden" argument is very difficult to make without pointing out the specific requirements of the claims of the different group(s). Granted, each of the groups relates in part to a "mop element"; however, a butterfly mop per se is well known in the art and the different groups are divergent with respect to their subject matter or details on the mop as to meet the burden requirement.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 46-57 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 22 August 2006.

Comment RE Claim 38

The following minor error is found in claim 38: "position" (line 2) should be "portion".

Claim Rejections - 35 USC § 112

3. Claims 1-26,33 and 40-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 refers back to the "central

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axis" (claim 1, line 7) before it is ever positively recited (line 9). "Said second channel body portion including" (claim 11, lines 2-3) is confusing. It would seem that "said second leg portion including" would be better. There is no antecedent support for the recitation of the first and second portions of the absorbent member (claim 22, lines 5-7). "Wringing direction" (claim 33, line 4) lacks antecedent. Being that there are two (a first and a second) wings recited in claim 40, the recitation of "said wing" (claim 40, line 14 and also claim 44, line 3) is indefinite. Applicant should review the claims for any additional informalities.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 22 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Niccolai (US PUB 2006/0137121). Niccolai discloses a mop element (36) comprising a sponge (38) and a mounting element comprised of a pair of support portions (40) interconnected by flexible members (42).

6. Claim 22 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Strahs (USP 4,216,562). The patent to Strahs discloses a mop element (10) comprising

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a compressible absorbent member (14), a mounting element (16) connected to the absorbent member and including a first (24) and second (26) support portion and further including a flexible member (30) interconnecting the first and second support portions such that the mop element may flex about the central portion thereof (fig 3).

7. Claims 22 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Footer et al (USP 6,058,548). The patent to Footer discloses a mop element comprising a compressible absorbent member (126) and a mounting element comprising first (131A) and second (131B) support portions interconnected with a flexible member(s) (column 3, lines 28-33).

8. Claims 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (USP 4,864,675). The patent to Jones discloses a mop (10) comprising a shaft (12), mop element comprising a sponge (20) and a scrubber member (22) and an actuator link (16).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-11,14,15,16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/09876 in view of Footer et al (USP 6,058,548). '876 discloses a mop (20) comprising a shaft (21), channel body (50) having a pair of leg portions (51,52), mop element (26) comprising an absorbent material (101) attached to

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a mounting element (104) and an actuator link (68). '876 discloses the invention substantially as claimed with the exception of the flexible member interconnecting the first and second support portions of the mounting element. The patent to Footer discloses a mop element with first and second support portions (131A,131B) interconnected with three flexible members (fig 3 and column 3, lines 28-33). It would have been obvious to one of ordinary skill to have modified the mop of '876 as such as it is shown to be an art-recognized equivalent mop element for a butterfly-type mop.

Allowable Subject Matter

11. Claims 40-45 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

12. Claims 12,13,17-20 and 23-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 28-31 and 34-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Teufel is pertinent to the scrubbing member and a retaining member.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Spisich
Primary Examiner
Art Unit 1744

MS